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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|----------------------------------|------------------------|
| 10/812,640 | 03/30/2004 | Takayuki Takimoto | 82285 | 5271 |
| 22242 7590 09/20/2007 FITCH EVEN TABIN AND FLANNERY 120 SOUTH LA SALLE STREET SUITE 1600 CHICAGO, IL 60603-3406 | | | EXAMINER SLITERIS, JOSELYNN Y | |
| | | | ART UNIT 3616 | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|----------------------------------|------------------------------------|--|
| Office Action Summary | Application No. 10/812,640 | Applicant(s) TAKIMOTO, TAKAYUKI | |
| | Examiner Joselynn Y. Sliteris | Art Unit 3616 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-21 and 23-25 is/are pending in the application.
- 4a) Of the above claim(s) 4,5,7-10,14,15,18-20,23-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,6,11-13,16,17,21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 11/30/06 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/20/07 has been entered.

Election/Restrictions

2. Claims 4, 5, 7-10, 14, 15, 18-20, and 23-25 remain withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 8/11/06.

Claim Objections

3. Claims 12, 13, 16, and 17 are objected to because of the following informalities: in claim 12 line 18 after "elongate", --,-- should be inserted. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1, 2, 6, 11, and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
6. In claim 1 line 15, "the one material panel" lacks proper antecedent basis in the claim.
7. In claim 6 line 1, "the one material panel" lacks proper antecedent basis in the claim.
8. In claim 21 line 8, "the other airbag chamber" lacks proper antecedent basis in the claim.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1, 2, 6, 11-13, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamada et al. (WO 02/079009 A1) in view of Jang et al. (U.S. Patent 6,364,348 B1), previously cited by examiner.
11. Regarding claims 1, 2, 6, and 11, Hamada discloses an elongate airbag (Figs. 3-6) as in the present invention comprising:

an airbag body 22 having a generally elongate, narrow tubular configuration upon

inflation thereof;

a pair of chambers in the airbag body that are inflated upon airbag deployment (Figs. 5, 6); and

one panel portion 22C of the one material panel that extends in the longitudinal direction in the internal space and acts to tether the airbag for limiting inflation thereof in a direction transverse to the longitudinal direction and away from the exterior surface of the vehicle pillar 16;

including a gas generator 20.

But Hamada does not disclose a pair of material panels of the airbag body that are each formed into an elongate configuration extending in the longitudinal direction with one of the material panels defining one of the elongate chambers independent of the other material panel and both of the material panels cooperating to completely form the other elongate chamber; and the one panel portion including at least one vent hole to provide airflow between the chambers for substantially uniform airbag inflation. Jang discloses that it is known in the art to provide three material panels 540, 550, 550 of the airbag body that are formed into an elongate configuration extending in the longitudinal direction with one of the material panels 540 defining one of the elongate chambers independent of the other two material panels 550, 550 and all three of the material panels cooperating to completely form the other elongate chamber; and one portion 541 of the one material panel 540 that extends in the longitudinal direction in the internal space and acts to tether the airbag for limiting inflation thereof in a direction transverse to the longitudinal direction. Although Jang discloses two material panels 550, 550

instead of one material panel cooperating with material panel 540 to completely form the other elongate chamber, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine material panels 540, 540 into one material panel (540A noted by examiner) in order to reduce the number of panels, since it has been held that forming in one piece an article which has formerly been in two pieces and put together involves only routing skill in the art. In re Larson, 340 F2d 965, 144 USPQ 347, 349 (CCPA 1965). As a result, both of Jang's material panel 550 and combined material panel 540A would cooperate to completely form the other elongate chamber. Jang also discloses the one panel portion 541 including at least one vent hole 542 to provide airflow between the chambers for substantially uniform airbag inflation; and the one material panel 540 being longer than the other material panel 540A of the pair of material panels in a widthwise direction transverse to the longitudinal direction due to the one panel portion thereof so that only a single material layer divides the two chambers from each other. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the airbag of Hamada according to the teachings of Jang, in order to facilitate manufacturing and assembly as well as to provide airflow between the chambers for substantially uniform airbag inflation.

12. Regarding claims 12, 16, Hamada discloses an elongate airbag (Figs. 3-6) as in the present invention comprising:

an airbag body 22 having a generally elongate, narrow tubular configuration upon inflation thereof;

an elongate internal space in the airbag body that is inflated upon airbag deployment (Figs. 5, 6);

at least one elongate material panel of the airbag body extending at least partially about the internal space (Figs. 5, 6);

at least one elongate tether panel 22C that extends in the longitudinal direction and divides the internal space into at least two elongate chambers that both extend in the longitudinal direction;

a projection 22A of material panel in the longitudinal direction along the elongate material panel to permit the airbag body to be arranged in an elongate flat and folded configuration thereof prior to airbag deployment to extend along and fixed to a vehicle pillar 16;

wherein the at least one material panel comprises a pair of material panels that are folded to form the two chambers.

But Hamada does not disclose a plurality of vent hole in the tether panel and a plurality of projections of the material panel spaced longitudinally from each other in the longitudinal direction along the elongate material panel with each of the projections having an aperture for receiving a fastener. Jang discloses that it is known in the art to provide a plurality of vent holes 542 in the tether panel 541 spaced longitudinally from each other in the longitudinal direction along the elongate tether panel to allow the two chambers to be in communication for substantially uniform airbag inflation. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the tether panel of Hamada with the plurality of vent holes according to

the teachings of Jang, in order to allow the two chambers to be in communication for substantially uniform airbag inflation.

To provide a plurality of projections of the material panel spaced longitudinally from each other in the longitudinal direction represents a change in number, not in kind and as such, would have been obvious to one of ordinary skill in the art. In re Harza, 124 USPQ 378.

Hamada discloses that the attachment portion 22A of the airbag body is fixed by welding or other means. Although Hamada does not specifically disclose the attachment portion 22A having an aperture for receiving a fastener, it would have been obvious to one skilled in the art to substitute the welding attachment with a fastener attachment by providing an aperture in the attachment portion to receive a fastener such that the attachment portion can be attached with a fastener. KSR International Co. v. Teleflex Inc., 550 U.S.--, 82 USPQ2d 1385 (2007).

13. Regarding claims 13, 17, Hamada discloses the claimed invention except for the one material panel and the tether panel being of a single material piece; and the one tether panel being integral with one of the pair of material panels. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to form the one material panel and the tether panel of a single material piece; and to form the one tether panel integrally with one of the pair of material panels in order to reduce the number of panels, and since it has been held that forming in one piece an article which has formerly been in two pieces and put together involves only routing skill in the art. In re Larson, 340 F2d 965, 144 USPQ 347, 349 (CCPA 1965).

14. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jang et al. (U.S. Patent 6,364,348 B1), previously cited by examiner, in view of Hamada et al. (WO 02/079009 A1).

15. Regarding claim 21, Jang discloses an airbag 500 as in the present invention comprising:

folding one material panel 540 to completely form one elongate airbag chamber having an elongate configuration extending in a longitudinal direction;

folding another material panel 550, 550 to completely form another elongate airbag chamber in cooperation with the one material panel with the other airbag chamber having an elongate configuration extending in the longitudinal direction;

tethering the airbag with a portion 541 of the one material panel extending in the longitudinal direction between the airbag chambers to limit inflation thereof in a direction transverse to the longitudinal direction;

providing a through opening 542 in the material panel portion to vent inflation gas therethrough for substantially uniform airbag inflation.

But Jang does not disclose mounting the airbag to a vehicle pillar to extend longitudinally therealong prior to airbag deployment. But Hamada discloses that it is known in the art to mount the airbag to a vehicle pillar to extend longitudinally therealong prior to airbag deployment so that upon airbag deployment, the airbag expands primarily in the direction transverse to the longitudinal direction rather than in the longitudinal direction. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to mount the airbag of Jang to a

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vehicle pillar according to the teachings of Hamada, in order to pedestrian protection on the exterior of the vehicle.

Response to Arguments

16. Applicant's arguments with respect to claims 1, 2, 6, 11-13, 16, 17, and 21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joselynn Y. Sliteris whose telephone number is 571-272-6675. The examiner can normally be reached on Monday, Wednesday & Thursday 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should


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Joselynn Y. Sileris
Patent Examiner
Art Unit 3616

9/17/07

JYS
9/17/07


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SUPERVISORY PATENT EXAMINER
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